

Message Text

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ORIGIN EA-10

INFO OCT-01 ISO-00 EB-07 SS-15 L-02 H-01 NSC-05 SSO-00

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EB/IFD/OIA:RJSMITH

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FM SECSTATE WASHDC

TO AMEMBASSY JAKARTA IMMEDIATE

CONFIDENTIAL STATE 043637

E.O. 11652: GDS
TAGS: CPRS, BEXM, EINV, ETRD, ID
SUBJECT: P.T. BAUD CASE

1. SULLIVAN IS RAPIDLY STEPPING UP HIS EFFORTS TO EXERT
PRESSURE ON GOI BY DRAWING ATTENTION OF INFLUENTIAL PEOPLE
IN BOTH LEGISLATIVE AND EXECUTIVE BRANCH TO P.T. BAUD CASE
AGAINST GOI. TO AVOID ANTICIPATED CONFRONTATION, WE ARE
CONSIDERING POSSIBILITY OF ATTEMPTING TO GET BOTH SIDES TO
AGREE TO SUBMIT DISPUTE TO CONCILIATION OR ARBITRATION.
AMBASSADOR'S SUGGESTION LAST FALL THAT FACILITIES OF INTER-
NATIONAL CENTER FOR SETTLEMENT OF INVESTMENT DISPUTES
(ICSID) BE USED MIGHT PROVIDE THIS OPPORTUNITY CONVENTION
ESTABLISHING CENTER ENTERED INTO FORCE FOR GOI OCTOBER 28,
1968.

2. WE HAVE NOT SUGGESTED THIS TO SULLIVAN, BUT HAVE ASKED
HIM INFORMALLY HOW HE MIGHT VIEW ARBITRATION. ALTHOUGH
PROFESSING CONFIDENCE THAT SEA OIL WOULD WIN AN ARBITRAL
AWARD, SULLIVAN SAID HE HESITATES TO PERMIT GOI OPPORTUNITY
TO DELAY SETTLEMENT OF HIS CLAIM FOR ANOTHER FEW YEARS.
DHARMAN REPORTEDLY TOLD ATKINSON SOMETIME LAST YEAR THAT
GOI WOULD BE ONLY TOO HAPPY TO ARGUE CASE FOR TWO-THREE
YEARS IN GENEVA.

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3. BEFORE WE TAKE ANY STEPS TO URGE CONCILIATION/ARBITRATION UPON SULLIVAN AND GOI, MAY WE HAVE EMBASSY VIEWS ON

APPROPRIATENESS THIS COURSE OF ACTION AND LIKELIHOOD GOI WOULD BE WILLING TO SUBMIT BAUD CASE TO ICSID OR OTHER THIRD PARTY. WE WOULD PREFER THAT GOI OFFICIALS NOT BE APPROACHED AT THIS STAGE. KISSINGER

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